

REMARKS

These amendments are submitted in a paper dated October 27, 2004; in an Advisory Action dated November 19, 2004, applicants were informed that the amendments would not be entered. The amendments in this response are made to the claims as examined in the Office Action of July 28, 2004.

Claims 1-14 are currently pending in the application and stand rejected. Independent claim 15 is added. Independent claims 1, 10, and 11 are amended herein. Dependent claims 7- 9 are amended herein.

Claims 1, 10, and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,062,294 (Huitt). Claims 1, 10, and 11 are amended herein to claim a burst disk assembly comprising a burst disk which ruptures from direct contact with pressurized formation treatment fluids. Applicant note that this is distinguishable from Huitt wherein the frangible diaphragm of Huitt is not designed to burst from fluid pressure, but rather simply when the bit is forced into it. Claims 1, 10, and 11 are further amended to claim methods for treating subterranean formations by pumping treatment fluid through a conduit to rupture the burst disk assembly, and then passing the treatment fluid into the formation for treatment. This is distinguishable from Huitt in that Huitt teaches an apparatus comprising a bit or piston that mechanically initiates fractures in the formation, but is not suitable for treating a formation. Huitt teaches a complicated system that requires a tubing (25), separate from the hydraulic fluid chambers (28) and (29) of the apparatus, for injection of treatment fluids. Hence, the apparatus of Huitt alone is not capable of direct delivery of treatment fluids to the formation.

Finally, claims 1, 10, and 11 are amended to claim an annulus interval isolation mechanism, which are structural limitations not described nor taught by the casing (22) of Huitt. The casing (22) of Huitt only prevents fluid from flowing into the wellbore, but fails to disclose mechanisms for isolating specific annulus intervals for treatment fluid delivery. Applicant's

claimed invention as currently amended to claim annulus interval isolation mechanisms which isolate target interval, thereby preventing the flow of treatment fluids throughout the entire the annulus. As amended, the annulus interval isolation mechanism of the present invention is not the same or equivalent to the casing of Huitt.

For these reasons, Applicants assert that Huitt fails to teach each and every claim limitation of claims 1, 10, and 11 as required to maintain a rejection under 35 U.S.C. § 102(b). Therefore, Applicants respectfully request Examiner withdraw the rejection of claims 1, 10, and 11 as now amended.

Dependent claims 2 – 9 are dependent upon claim 1, and dependent claims 12 – 14 are dependent upon claim 11. As Independent claims 1 and 11 are amended herein to be distinguishable from Huitt, Applicants now believe dependent claims 2 – 9 and 12 – 14 are now in better condition for allowance.

In summary, for reasons detailed above, it is submitted that all claims now presented in the application are in better condition for allowance, and accordingly, such action is respectfully requested.

If the Examiner believes that the prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-8606. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 04-1579.

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Respectfully submitted,



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